ATTORNEY DOCKET NO.: 040894-5941

Application No.: 10/617,139

Page 4

REMARKS

Claim 1 has been amended to further define the invention. Accordingly, claims 1-4 are presently pending. Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,194,676 to Takahashi et al. (hereinafter "Takahashi"). As an initial matter, for the record, Applicant respectfully notes that the Office Action quoted the last portion of the claim 1 as it stood before the Amendment on May 24, 2006, namely the Office Action recites on page 3, "rotatably fitted," instead of "fitted such that the lever is pivotably connected to the lever support portion." Nevertheless, Applicant traverses the rejection of claims 1-4 under 35 U.S.C. § 102(b) for at least the following reasons.

Independent claim 1, as amended, recites, in part, a lever apparatus including, "a lever," "a cover part disposed on a base end portion of the lever," and "a pair of fitting recessed portions formed in opposed side portions of the mounting part outside of the cover part...."

By contrast, <u>Takahashi</u> discloses an operating level 3 that is equipped with the operating member 7, where the rear end of the operating member 7 is secured to the base portion of the operating lever 3, and a circular recess 7a is formed in either side surface thereof. (Col. 7, lines 16-22). The Office Action appears to equate the mounting part of the claimed invention with operating member 7 of <u>Takahashi</u> and the pair of fitting recessed portions of the claimed invention with circular recesses 7a of <u>Takahashi</u>. However, <u>Takahashi</u> teaches circular protrusions 8b formed in the protruding members 8a that are snapped in the recess of 7a of the operating member 7. (Col. 7, lines 26-29). As shown in Fig. 3, the circular protrusions 8b and hence circular recesses 7a are located at a point **inside** the cover part. Thus, Applicant

respectfully submits that <u>Takashi</u> does not teach at least "a pair of fitting recessed portions formed in opposed side portions of the mounting part outside of the cover part...," emphasis

added, as recited in amended independent claim 1.

Furthermore, an object of the claimed invention is to facilitate a manufacture of a lever.

The arrangement of the pair of fitting recessed portions formed in the mounting part at a position

outside of the cover part of the lever allows for liner molds to be slidable in a direction in which

the recessed portions extend at the time of the molding and thereby facilitates the manufacturing

process. (See pg. 8, lines 3-18 of the present application). Conversely, as mentioned above,

<u>Takahashi</u> teaches a lever with recessed portions being inside of the cover, which could make it

difficult to dispose the mold at a place corresponding to the recessed portion and thus making the

manufacture of the lever difficult.

As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every

element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth

in the claim is found, either expressly or inherently described, in a single prior art reference.

Verdegaal Bros. v. Union Oil Col. of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)."

Accordingly, Applicant respectfully requests that the rejection of independent claim 1

under 35 U.S.C. § 102(b) be withdrawn. Furthermore, Applicant respectfully requests that the

rejection of dependent claims 2-4 under 35 U.S.C. § 102(b) be withdrawn at least because of

their dependence from independent claim 1 and the reasons set forth above.

In view of the foregoing, Applicant respectfully requests reconsideration and the timely

1-WA/2700415.1

ATTORNEY DOCKET NO.: 040894-5941

Application No.: 10/617,139

Page 6

allowance of the pending claims. Should the Examiner feel that there are any issues outstanding

after consideration of the response, the Examiner is invited to contact the Applicant's

undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge

the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under

37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also

be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Bv:

Bradford A. Cangro

Dated: February 22, 2007

Customer No.: 009629

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004 Telephone: 202-739-3000 Facsimile: 202-739-3001